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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,538	02/10/2004	Takaharu Yamamoto	58604-033	9799

7590 01/20/2006

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EXAMINER	
UHLENHAKE, JASON S	
ART UNIT	PAPER NUMBER
2853	

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/774,538	YAMAMOTO ET AL.	
	Examiner	Art Unit	
	Jason Uhlenhake	2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiraishi (U.S. Pub. 2003/0107609) in view of Matsuura et al (U.S. Pat. 6,900,789).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be

overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Shiraishi discloses:

- ***regarding claim 1,*** ink feeding rate control method for controlling a feeding rate of ink for areas corresponding to ink keys of an ink feeder (Abstract, Paragraphs 0011, 0071 – 0072), by comparing measurement information and reference information on detecting patches (color chart) printed on prints (Paragraphs 0013, 0081, 0084), method comprising of:

- images in positions aligned in a printing direction with said detecting patches printed in the areas on said prints corresponding to said ink keys (Figure 7; Paragraph 0078)

- correcting on of said reference information and said measurement information of the images in the areas on said prints corresponding to said ink keys, and images in said positions aligned in said printing direction with said detecting patches printed on said prints (Abstract, 0011, 0013)

- ***regarding claim 2, claim 6, claim 8, and claim 10,*** wherein said measurement information on said detecting patches comprises densities of said detecting patches, and said reference information comprises reference densities (Abstract, Paragraphs 0081 – 0083, 0104)

- ***regarding claim 3,*** wherein one of said reference information and said measurement information is corrected by using a correction factor obtained empirically (Paragraphs 0011, 0013, 0081 – 0083)

- ***regarding claim 4,*** wherein a corrected value of one of said reference information and said measurement information is stored form time to time, one of said reference information and said measurement information being corrected in time of subsequent printing process by using said corrected value stored (Paragraphs 0076 – 0077, 0087)

- ***regarding claim 5,*** ink feeding rate control method for printing machine having an image recorder for recording images on printing plate based on image data, controlling a feeding rate of ink for each of areas corresponding to ink keys of ink feeder (Abstract, Paragraphs 0011, 0071 – 0072) by comparing measurement information and reference information on detecting patches (color chart) printed on prints (Paragraphs 0013, 0081, 0084)

- images in positions aligned in a printing direction with said detecting patches printed in the areas on said prints corresponding to said ink keys (Figure 7; Paragraph 0078)

- correcting on of said reference information and said measurement information of the images in the areas on said prints corresponding to said ink keys, and images in said positions aligned in said printing direction with said detecting patches printed on said prints (Abstract, 0011, 0013)

- ***regarding claim 7,*** ink feeding rate control method for controlling a feeding rate of ink for each of areas corresponding to ink keys of ink feeder (Abstract, Paragraphs 0011, 0071 – 0072) based on measurement information on detecting patches (color chart) printed on prints (Paragraphs 0013, 0081, 0084)

- images in positions aligned in a printing direction with said detecting patches printed in the areas on said prints corresponding to said ink keys (Figure 7; Paragraph 0078)

- ***regarding claim 9,*** data correcting method of a printing machine for correcting one of measurement information and predetermined reference information when controlling the printing machine by comparing the measurement information being obtained by measuring detecting patches printed on prints corresponding to ink keys of the printing machine (Paragraphs 0011, 0076, 0081 0083)

- images in positions aligned in a printing direction with said detecting patches printed in the areas on said prints corresponding to said ink keys (Figure 7; Paragraph 0078)

- correcting on of said reference information and said measurement information of the images in the areas on said prints corresponding to said ink keys, and images in said positions aligned in said printing direction with said detecting patches printed on said prints (Abstract, 0011, 0013)

- ***regarding claim 11 and claim 12,*** wherein said measurement information and said reference information are used for at least one of ink feeding rate control and dampening water feeding rate control in the printing machine (Abstract, Paragraphs 0011, 0071 – 0072)

Shiraishi does not disclose expressly:

- ***regarding claim 1, claim 5, claim 7, and claim 9,*** determining an average of image area ratios

Matsuura et al discloses:

- ***regarding claim 1, claim 5, claim 7, and claim 9,*** determining an average of image area ratios (Column 27, Lines 5 – 55, 60 – 68)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of determining an average of image area ratios as taught by Matsuura et al into the device of Shiraishi et al. The motivation for doing so would have been to allow an image to display in good contrast and high quality.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Uhlenhake whose telephone number is (571) 272-5916. The examiner can normally be reached on Monday - Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSU
January 11, 2006

K. FEGGINS
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